IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Bail Appl..No. 7172 of 2007()

CRIME NO. 690/07 OF CHALAKKUDY POLICE STATION

PETITIONER/A4

BAIJU P.T., S/O LATE P.K.THANKAPPAN,
AGED 39, HOUSE NO.10/277, PUTHENVEETTIL,
DR.KANNAN LANE, FORT COCHIN, COCHIN-1.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
(CRIME NO.690/2007 OF CHALAKKUDY POLICE STATION)

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7172 of 2007

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Dated this the 22nd day of November, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered for offences punishable, inter alia, under Sections 420, 468 and 471 r/w. 34 I.P.C. On the basis of the complaint of the Secretary of the Chalakudy Town Co-operative Bank, the crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. Shorn of unnecessary details, the crux of the allegations against the petitioner is that he offered himself as a surety for a loan of Rs. 1 lakh availed by the second accused from the Co-operative Bank. To show his suitability as a surety, the petitioner allegedly produced a salary certificate issued by his employer, the B.S.N.L. That certificate is now found to be a forged one. When there was default in payment, the employer of the petitioner was addressed by the Co-operative Bank and it is then

that the bank realised that the certificate produced was a forged one.

3. The learned counsel for the petitioner submits that while it is true that the petitioner had offered himself as a surety for the second accused, it is incorrect to say that he had produced the forged salary certificate before the bank. The petitioner is not responsible if some other person has produced the same before the bank. This in short is the plea. The learned counsel prays that directions under Section 438 Cr.P.C. may be issued in favour of the petitioner to save him from the undeserved trauma of arrest and incarceration.

4. The learned Prosecutor opposes the application. He submits that the materials presently available convincingly point to the complicity of the petitioner in the crime in question. It is idle to assume now that the salary certificate was not produced by the petitioner and that some other person may have produced the forged certificate issued by the employer of the petitioner before the bank to persuade the bank to accept him as a surety. I do not want to pronounce on the acceptability of the same. The said version does not at all appeal to me at the moment and with the available inputs as

acceptable. I agree with the learned Prosecutor that the petitioner must surrender before the learned Magistrate and seek regular bail in the ordinary course.

5. This application is accordingly dismissed with the observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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